

Revocation & P/A
H. Murga -
6-20-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Gaidarev et al.

Serial No.: 10/005,217

Filed: December 5, 2001

For: PAYOUT DISTRIBUTIONS
FOR GAMES OF CHANCE

Atty. Docket: 0104704-0008

Group Art Unit: 3713

Examiner:

Telefax No.: 703-746-3453

CERTIFICATE OF MAILING OR FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile (at the Telefax Number above) transmitted to the U.S. Patent and Trademark Office on the date shown below.

Date

6/19/03

[Signature]
David J. Powsner, Reg. No. 31,868

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

LETTER

Applicant hereby requests that the Revocation and Grant of Power of Attorney filed on January 23, 2003, with the United States Patent and Trademark Office (henceforth, "Patent Office"), be accepted and entered into the file.

On March 15, 2002, Applicant filed, for recordation with the Patent Office, an Assignment, in which the inventors of the above-cited application, Peter Gaidarev and Jonathan W. Woo, assigned the application to ProfitLogic, Inc. On June 3, 2002, the Patent

Office issued a Notice of Recordation of Assignment Document, indicating that the Assignment was recorded on Reel 012755, Frames 0951 - 0954 (Attachment A).

On January 23, 2003, Applicant filed with the Patent Office the attached Revocation and Grant of Power of Attorney, together with a Request for Change of Address and a Change of Attorney Docket (Attachment B). The Revocation and Grant of Power of Attorney was signed by an officer of ProfitLogic, Inc., to wit, Jonathan W. Woo, Ph.D., Vice President Research & Advanced Technology.

On April 25, 2003, the Patent Office issued a Notice Regarding Power of Attorney, which stated that the Power of Attorney was not accepted because the signature of a co-inventor in the application had been omitted (Attachment C).

In view of Rule 3.71(b), Applicant respectfully disagrees that the signature of a co-inventor in the application is relevant. The rule states that "an assignee of the entire right, title and interest in the application" may conduct its prosecution. This necessarily includes appointing attorneys responsible for that prosecution. In the present case:

- the inventors of the above-cited application assigned the entire right, title and interest in the application to ProfitLogic, Inc. (i.e., Applicant), subsequently recorded as Reel 012755, Frames 0951 - 0954; and
- the Revocation and Grant of Power of Attorney was signed by Mr. Woo in his capacity as an officer of ProfitLogic, Inc., rather than as an inventor.

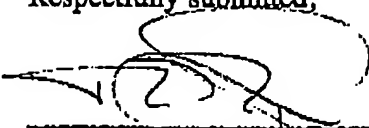
In accord with the foregoing, Applicant hereby requests that the Patent Office accept and enter the aforementioned Revocation and Grant of Power of Attorney without requiring the additional signature of inventor Peter Gaidarev.

Applicant also requests that the records at the Patent and Trademark Office be changed to show that future correspondence and telephone communications regarding the above-cited application be directed to the undersigned.

Respectfully submitted,

Date

6/19/03


David J. Powsner, Reg. No. 31,868

NUTTER, McLENNEN & FISH LLP
World Trade Center West
155 Seaport Blvd.
Boston, Massachusetts 02210-2604
Telephone: (617) 439-2717
Telefax: (617) 310-9717

1230384.1



JUNE 03, 2002

PTAS

Commissioner for Trademarks
Arlington, VA 22202-3513
www.uspto.gov

DAVID L. FEIGENBAUM
FISH & RICHARDSON P.C.
225 FRANKLIN STREET
BOSTON, MASSACHUSETTS 02110-2804



102048647A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/15/2002

REEL/FRAME: 012755/0951
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
GAIDAREV, PETER

DOC DATE: 03/11/2002

ASSIGNOR:
WOO, JONATHAN W.

DOC DATE: 03/11/2002

ASSIGNEE:
PROFITLOGIC, INC.
ELEVEN CAMBRIDGE CENTER
CAMBRIDGE, MASSACHUSETTS 02142-1406

SERIAL NUMBER: 10005217
PATENT NUMBER:

FILING DATE: 12/05/2001
ISSUE DATE:

ANTHONY ROYALL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

RECEIVED

JUN 07 2002

FISH & RICHARDSON, PC.
BOSTON OFFICE

Attachment A

Received from <01116173109000> at 6/19/03 5:26:18 PM [Eastern Daylight Time]

04-09-2002

Substitute Form PTO-1595
Attorney Docket No.: 10530-008001

HEET

102048647

Commissioner for Patents: Please record the attached original document(s) or copy(ies).	
1. Name of conveying party(ies): Peter Gaidarev Jonathan W. Woo Additional name(s) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Name and address of receiving party(ies): ProfilLogic, Inc. Eleven Cambridge Center Cambridge, MA 02142-1406
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other: Execution Date: March 11, 2002	Additional names/addresses attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Application number(s) or patent number(s): If this document is being filed with a new application, the execution date of the application is: A. Patent Application No(s): 10/005,217 Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name/address of party to whom correspondence concerning document should be mailed: DAVID L. FEIGENBAUM Fish & Richardson P.C. 225 Franklin Street Boston, Massachusetts 02110-2804	6. Total number of applications/patents involved: 7. Total fee (37 CFR §3.41): \$40 <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to charge Deposit Account. 8. Deposit Account No.: 06-1050 Please apply any additional charges, or any credits, to our Deposit Account No. 06-1050.
DO NOT USE THIS SPACE	
9. Statement and Signature: <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i> David L. Feigenbaum Reg. No. 30,378 Name of Person Signing Signature: Date: 3/15/02	
Total number of pages including coversheet, attachments and document: 4	

20404506.doc

04/08/2002 TDI/21 00000253.10005217

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner of Patents, Washington, D.C. 20231.

March 15, 2002
Date of Deposit

Signature:

Lesley J. Arnoldy

Typed Name of Person Signing Certificate

Received from <01116173109000> at 6/19/03 5:26:18 PM [Eastern Daylight Time]

Attorney Docket No: 10530-006001/

ASSIGNMENT

For valuable consideration, we, PETER GAIDAREV of Malden, MA 02148, and JONATHAN W. WOO of Brookline, MA 02446, hereby assign to: ProfitLogic, Inc., a Massachusetts corporation having a place of business at: Eleven Cambridge Center, Cambridge, MA 02142-1406; and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are subject of an application for United States Patent signed by us, entitled PAYOUT DISTRIBUTIONS FOR GAMES OF CHANCE, filed December 5, 2001, and assigned U.S. Serial Number 10/005,217, and we authorize and request the attorneys appointed in said application to hereafter complete this assignment by inserting above the filing date and serial number of said application when known; this assignment including said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and we authorize the Assignee to apply in all countries in our name or in its own name for patents, utility models, design registrations and like rights of exclusion and for inventors' certificates for said inventions and improvements; and we agree for ourselves and our respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

Attorney Docket No: 10530-006001/

IN WITNESS WHEREOF, I hereto set my hand and seal at Cambridge, MA,
this 11 day of March, 2002
PETER GAIDAREV L.S.

State of Massachusetts :

: ss.

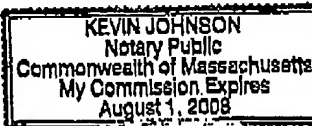
County of Middlesex :

Before me this 11 day of March, 2002, personally appeared PETER GAIDAREV known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

[Signature]
Notary Public

My Commission Expires;

[Notary's Seal Here]



Attorney Docket No: 10530-006001/

IN WITNESS WHEREOF, I hereto set my hand and seal at Cambridge, MA,
this 11 day of March, 2002 Jonathan W. Woo L.S.
JONATHAN W. WOO

State of Massachusetts :

: ss.

County of Middlesex :

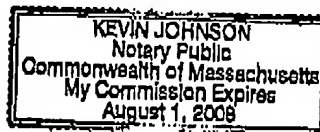
Before me this 11 day of March, 2002, personally appeared JONATHAN W. WOO known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

[Signature]
Notary Public

My Commission Expires:

[Notary's Seal Here]

20400347.doc



Appl. No. 10/005,217 Atty Docket No. 104704-8 By: ALP
 Title: PAYOUT DISTRIBUTIONS IN GAMES OF CHANCE
 Application of GAIDAREV et al.

* The Following, DUE _____ in the U.S. PTO, was received in Mail Room on the date stamped hereon:

- | | |
|---|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Mailing by Express Mail (37 CFR 1.10) Express Mail Label No. _____ <input checked="" type="checkbox"/> Cert. of Mailing under: 37 CFR 1.8 (a) <input type="checkbox"/> Application for Patent inc. _____ pgs. (_____ pgs.) Specification, (_____ pgs.) Abstract, (_____ pgs.) Claims (Claims _____) <input type="checkbox"/> Declaration Petition / Power of Attorney <input type="checkbox"/> Design Patent Application & Declaration & Oath <input type="checkbox"/> Drawings _____ Sheet(s) <input type="checkbox"/> Formal <input type="checkbox"/> Informal (Figs. _____) <input type="checkbox"/> Verified Statement to establish a small entity status <input type="checkbox"/> Continuing prosecution app under 37 CFR 1.53(d) <input type="checkbox"/> Assignment & Recordation Cover Sheet <input type="checkbox"/> Revocation of Power of Attorney & Appointment of New Power of Attorney <input type="checkbox"/> Bibliographic Data Sheet <input checked="" type="checkbox"/> Other <u>REQUEST FOR CHANGE OF ADDRESS</u> <input checked="" type="checkbox"/> <u>CHANGE OF ATTORNEY DOCKET</u> <input checked="" type="checkbox"/> <u>REVOCAION AND GRANT OF POWER OF ATTORNEY</u> | <ul style="list-style-type: none"> <input type="checkbox"/> Inf. Disc. Statement, PTO Form 1449 and _____ Reference(s) Cited _____ <input type="checkbox"/> PCT Request 101 (_____ sheets) <input type="checkbox"/> Chapter II Demand <input type="checkbox"/> PCT Fee/Calculation/Authorization Sheet <input type="checkbox"/> Response to Correct Defects <input type="checkbox"/> Check for \$ _____ Check # _____ <input type="checkbox"/> Check for \$ _____ Check # _____ <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Letter to Official Draftsman <input type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Brief (_____ x3) <input type="checkbox"/> Petition for Ext. of Time(x2) <input type="checkbox"/> Transmittal Letter <input type="checkbox"/> Fee Transmittal Letter <input type="checkbox"/> Maintenance Fee Transmittal |
|---|--|
- 5011 Rev. 8/03



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 BOSTON MA 02205-8960



Attachment B

Received from <0116173109000> at 6/19/03 5:26:18 PM [Eastern Daylight Time]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


Applicant: Gaidarev et al.
Serial No.: 10/005,217
Filing Date: December 5, 2001
For: PAYOUT DISTRIBUTIONS IN GAMES OF CHANCE
Atty. Docket: 0104704-0008

Examiner:

Group Art Unit:

I hereby certify that this correspondence is being deposited with the United States Postal Service, with first class postage attached, addressed to: Assistant Commissioner of Patents and Trademarks, Washington, DC 20231, on the date indicated below.

Date


David J. Powsner, Reg. No. 31,868

ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, DC 20231

REQUEST FOR CHANGE OF ATTORNEY DOCKET NUMBER

Dear Sir:

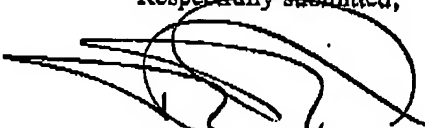
Please update the Patent and Trademark Office records to reflect that the new ATTORNEY DOCKET NUMBER of the above-cited case is

0104704-0008

This new number replaces number (to wit, 10530-006001) on the original application papers.

If questions arise in this regard, please contact the undersigned attorney.

Respectfully submitted,


David J. Powsner, Reg. No. 31,868

Attorney for Applicants
Nutter, McCleennen & Fish LLP
World Trade Center West
155 Seaport Blvd.
Boston, MA 02210-2604
Telephone: (617) 439-2717
Telefax: (617) 310-9717

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gaidarev et al.
Serial No.:	10/005,217
Filing Date:	December 5, 2001
For:	PAYOUT DISTRIBUTIONS IN GAMES OF CHANCE
Atty. Docket:	0104704-00008

Examiner:

Group Art Unit:

I hereby certify that this correspondence is being deposited with the United States Postal Service, with first class postage attached, addressed to: Assistant Commissioner of Patents and Trademarks, Washington, DC 20231, on the date indicated below.

Date

6/23/03

David J. Powsner, Reg. No. 31,868

ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, DC 20231

REQUEST FOR CHANGE OF ADDRESS

Dear Sir:

Please change the records at the Patent and Trademark Office to show that future correspondence and telephone communications regarding this application should be directed to the following address:

David J. Powsner (Reg. No. 31,868)
Nutter, McClennen & Fish LLP
World Trade Center West
155 Seaport Blvd.
Boston, MA 02210-2604
Telephone: (617) 439-2717
Facsimile: (617) 310-9717

Respectfully submitted,



David J. Powsner, Reg. No. 31,868

Attorney for Applicants
Nutter, McClennen & Fish LLP
World Trade Center West
155 Seaport Blvd.
Boston, MA 02210-2604
Telephone: (617) 439-2717
Telefax: (617) 310-9717

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patents and Patent Applications for ProfitLogic, Inc.Assistant Commissioner for Patents
Washington, DC 20231

Sir:

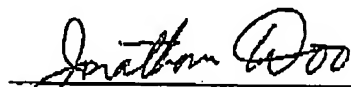
REVOCATION AND GRANT OF POWER OF ATTORNEY

Applicant hereby revokes all powers of attorney previously granted for the patents and patent applications listed below and appoints as its attorneys or agent, with full power of substitution and revocation, to prosecution the patents and patent applications and to transact all business in the United States Patent and Trademark Office connected therewith, David J. Powsner, Reg. No. 31,868; Ronald E. Cahill, Reg. No. 38,403; Thomas J. Engellenner, Reg. No. 28,711; William C. Geary III, Reg. No. 31, 359; Michael G. Verga, Reg. No. 39,410; Reza Mollaaghababa, Ph.D., Reg. No. 43,810; Lisa J. Michaud, Reg. No. 44,238; Tram Anh T. Nguyen, Reg. No. 47,257; David D. Nielson, Reg. No. 52,069; Jasbir Sagoo, Ph.D., Reg. No. 51,177; and Geoffrey S. Smith, Reg. No. 52,231.

Serial No.	Filing Date	Patent No.	Title:
09/826,378	4/4/2001		Assortment Decisions
09/976,769	10/11/2001		Clustering
10/165,041	6/7/2002		Markdown Management
09/263,979	3/5/1999		Inventory and Price Decision Support
09/900,706	7/6/2001		Price Decision Support
10/005,217	12/5/2001		Payout Distributions for Games of Chance

Applicant requests that all correspondence be directed to David J. Powsner, Nutter, McClennen & Fish LLP, World Trade Center West, 155 Seaport Blvd., Boston, Massachusetts 02210-2604, and that all telephone calls be directed to David J. Powsner at (617) 439-2717.

Dated: 1/22/03


Jonathan W. Woo, Ph.D.
Vice President, Research & Advanced
Technology

1183064.1

Appl. No. 10/0 5,217 Atty Docket No. 104704-8 By: DJP

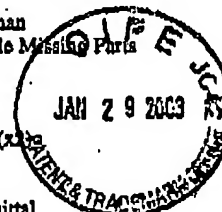
Title: PAYOUT DE JEUCTIONS IN GAMES OF CHANCE

Application of GANDAREV et al.

* The Following, DUE — in the U.S. PTO, was received in Mail Room on the date stamped hereon:

- | | |
|--|---|
| <input type="checkbox"/> Mailing by Express Mail (37 CFR 1.10) | <input type="checkbox"/> Inf. Disc. Statement, PTO Form 1449 and |
| Express Mail Label No. | Reference(s) Cited |
| <input checked="" type="checkbox"/> Cert. of Mailing under 37 CFR 1.8 (a) | <input type="checkbox"/> PCT Request 101 (_____ sheets) |
| <input type="checkbox"/> Application for Patent Inc. _____ pgs. | <input type="checkbox"/> Chapter II Demand |
| (_____ pgs.) Specification, (_____ pgs.) Abstract, | <input type="checkbox"/> PCT Fee/Calculation/Authorization Sheet |
| (_____ pgs.) Claims (Claims _____) | <input type="checkbox"/> Response to Correct Defects |
| <input type="checkbox"/> Declaration Petition / Power of Attorney | <input type="checkbox"/> Check for \$ _____ Check # _____ |
| <input type="checkbox"/> Design Patent Application & Declaration & Oath | Check for \$ _____ Check # _____ |
| <input type="checkbox"/> Drawings _____ Sheet(s) <input type="checkbox"/> Formal <input type="checkbox"/> Informal | <input type="checkbox"/> Amendment/Response |
| (Figs. _____) | <input type="checkbox"/> Letter to Official Draftsman |
| | <input type="checkbox"/> Response to Notice to File Missing Parts |
| | <input type="checkbox"/> Notice of Appeal |
| | <input type="checkbox"/> Power of Attorney |
| <input type="checkbox"/> Verified Statement to establish a small entity status | <input type="checkbox"/> Brief (____x3) |
| <input type="checkbox"/> Continuing prosecution app under 37 CFR 1.53(d) | <input type="checkbox"/> Petition for Ext. of Time (x3) |
| <input type="checkbox"/> Assignment & Recordation Cover Sheet | <input type="checkbox"/> Transmittal Letter |
| <input type="checkbox"/> Revocation of Power of Attorney & Appointment | <input type="checkbox"/> Fee Transmittal Letter |
| of New Power of Attorney | <input type="checkbox"/> Maintenance Fee Transmittal |
| <input type="checkbox"/> Bibliographic Data Sheet | |

☒ Other **REQUEST FOR CHANGE OF ADDRESS**
CHANGE OF ATTORNEY DOCKET
REVOCATION AND GRANT OF POWER OF ATTORNEY

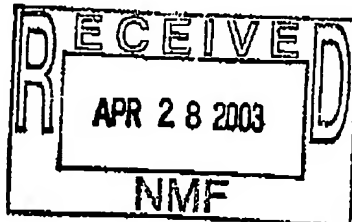


5011 Rev. 6/00

Communication for Patent
Washington, DC 20220
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/005,217	12/05/2001	Peter Gaidarev	0104704-0008 ✓

DAVID J POWSNER
NUTTER MCCLENNEN & FISH LLP
WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON, MA 02210-2604



CONFIRMATION NO. 8598



OC00000009909270

Date Mailed: 04/25/2003

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/29/2003. The Power of Attorney in this application is not accepted for the reason(s) listed below:

- The signature(s) of PETER GAIDAREV, a co-inventor in this application, has been omitted. The Power of Attorney will be entered upon receipt of confirmation signed by said co-inventor.



Lashawn Morgan
LASHAWN R MORGAN
3700 (703) 308-7408

NEW ATTORNEY/AGENT COPY

Docket Department
Reviewed by *LLP*
Docketed *2/1-28-03* by *LLP*
Reviewed *3/5* by *LLP*

DOCKETED
MAY 25, 2003 - RE-SUBMIT
REV of POWER

Attachment C

Received from <01116173109000> at 6/19/03 5:26:18 PM [Eastern Daylight Time]

**FACSIMILE TRANSMITTAL SHEET**

Today's Date: June 18, 2003

Time: 3:51 PM

Employee ID:

of Pages: 15

From: David J. Powsner

Direct Dial: 617-439-2717

Fax No: 617-310-9717

RECIPIENT	COMPANY	FAX NO.	PHONE NO.
La Shawn R. Morgan	U.S. Patent & Trademark Office	703-746-3453	703-308-7408

COMMENTS:

Re U.S. Serial No. 10/005,217

STATEMENT OF CONFIDENTIALITY

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